

17th March 1931]

B. POCKER SAHIB Bahadur:—"Was the learned Judge who tried the case consulted about the remission of the sentences on these accused, and what was the opinion given, Sir?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The High Court is not always consulted in such matters. The Government exercise their discretion."

B. POCKER SAHIB Bahadur:—"Is it not the practice for the Government to consult the particular Judge who convicted the accused before the remission was given?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is not always the practice."

*Transfer of Mr. Narayana Menon to the Vellore Jail.*

\* 631 Q.—B. POCKER SAHIB Bahadur: Will the hon. the Law Member be pleased to state—

(a) whether Mr. M. P. Narayana Menon, a prisoner in the Madras Penitentiary, has been transferred to Vellore Jail and if so, when and for what reasons;

(b) if the answer to question (a) is in the affirmative, whether the transfer has anything to do with the incident of 10th February 1931, when the said prisoner is alleged to have been severely beaten; and

(c) whether any officer of the Madras Penitentiary was transferred in connexion with the said incident of the 10th February 1931?

A.—(a) Yes, on 20th February 1931 in the interests of jail discipline.

(b) No.

(c) The Government have not the information but have called for it.

Mr. SAMI VENKATACHALAM CHETTI:—"When do the Government expect to receive the information which they have called for, Sir, having regard to the fact that the incident took place some weeks ago?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I cannot say."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know what is the interest of jail discipline that is referred to in the answer? What is the interest of jail discipline for which Mr. Narayana Menon was transferred from the Madras Penitentiary to the Vellore Jail?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"He was in the Penitentiary for a period of between 7 and 8 years, and the Jail authorities thought that in such a case it was desirable that he should be transferred to the Vellore Jail."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know whether Mr. Narayana Menon, when he was in the Madras Penitentiary, was having the benefit of the company of a Visitor like Dr. Hogg very frequently?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Of course, he may have had many Visitors."

Mr. ABDUL HAMEED KHAN:—"When was Mr. Narayana Menon transferred to the Vellore Jail, Sir?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The answer is given in the printed paper."



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Mr. ABDUL HAMEED KHAN :—" May I know, Sir, whether the transfer to the Vellore Jail was after the incident referred to in clause (b) of the question ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" He was transferred after the incident, but not on account of the incident."

Mr. ABDUL HAMEED KHAN :—" May I know if it was not the incident that brought out the question of discipline to the minds of the Jail authorities ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" No."

Mr. SAMI VENKATACHALAM CHETTI :—" Then, why was he not transferred previously, Sir ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" It was not thought necessary by the authorities."

Mr. SAMI VENKATACHALAM CHETTI :—" Have not the Government refused to transfer him even though the authorities wanted to transfer him previously ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" As a matter of fact, the transfer was in the discretion of the Inspector-General of Prisons."

Mr. SAMI VENKATACHALAM CHETTI :—" What about the Government? Have the Government had any occasion to refuse the request made by the Inspector-General of Prisons to transfer him to another Jail ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The Government have no option in the matter. It is left entirely to the discretion of the Inspector-General."

Mr. SAMI VENKATACHALAM CHETTI :—" My question is whether the Government did or did not refuse the request for transfer ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I have nothing to add to what I have already stated."

Mr. V. M. RAMASWAMI MUDALIYAR :—" May I know whether the Government are aware that Mr. Narayana Menon's family have permanently settled down in Madras ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" So far as I am aware, his family, except his two children, is in Malabar."

Mr. SAMI VENKATACHALAM CHETTI :—" May I know, Sir, having regard to the request of the general public to release not only the Civil Disobedience prisoners but also the Mappilla prisoners, whether the Government are considering the desirability of releasing Mr. Narayana Menon of whose guilt at least the Law Member is not quite sure ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The Government are not considering the question."

Mr. SAMI VENKATACHALAM CHETTI :—" May I know whether the Government will consider the question ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I cannot say, Sir, what the Government will do or will not do hereafter."



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Mr. ABDUL HAMEED KHAN:—" May I know whether the hon. the Law Member himself will move in the matter ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I cannot say that now, Sir."

Mr. K. P. V. S. MUHAMMAD MEERA RAVUTTAR:—" May I know whether the hon. the Law Member was a defence witness to Mr. Narayana Menon when he was tried ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Yes, Sir, in a formal matter and not on the merits of the case."

Mr. SAMI VENKATACHALAM CHETTI:—" May I know whether the hon. the Law Member will consider to-day the release of Mr. Narayana Menon ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I shall certainly not consider it to-day, Sir."

Mr. SAMI VENKATACHALAM CHETTI:—" May I know if he will consider it to-morrow, Sir ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Neither to-morrow, Sir."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know, even if the Government are not prepared to consider the question of the release of Mr. Narayana Menon, whether they will consider any application made on his behalf and retransfer him to Madras ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" As I said, it is entirely in the discretion of the Inspector-General of Prisons, and the Government have no intention whatever of interfering with his discretion in such a matter as that."

B. POCKER SAHIB Bahadur:—" What is the maximum period during which a prisoner is allowed to remain either in the Penitentiary or in any other jail ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" So far as I am aware, there is no maximum period."

B. POCKER SAHIB Bahadur:—" Are there not prisoners in the Penitentiary who have been there for much longer periods than Mr. Narayana Menon ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I do not know."

B. POCKER SAHIB Bahadur:—" Then, what is the principle under which Mr. Narayana Menon has been transferred at all ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" As I said thrice already on the floor of this House this morning, the principle is that the matter is left entirely to the discretion of the Inspector-General of Prisons."